

CALLING OUR BETTER ANGELS

Jim Rathlesberger, M.P.A.
Executive Officer, Board of Podiatric Medicine

The Board of Podiatric Medicine is the unit of the Medical Board of California, Department of Consumer Affairs, which administers licensing of DPMs under the State Medical Practice Act.

Sacramento--As CPMA and CMA work to raise professional and expert witness standards, some might be interested in two recent discussion items here. Joan Jerzak addresses the long-acknowledged ethical duty of doctors, nurses, and other health professionals to report substandard practitioners, and asked that we share her comments with you. Also of interest is a northern California defense attorney's comments on a recent BPM enforcement action.

Joan Jerzak
Chief of Enforcement
Medical Board of California:

As chief of enforcement for the Medical Board of California, I am extremely interested in advancing the board's mission of consumer protection. Recently, a nurse in a California hospital was quoted in a major newspaper article stating that she knew (without naming anyone) of many physicians who deserved to have their licenses revoked by our board. The context for this was within a story about a licensee whose license was being revoked by our board.

Such a statement is of concern to us, because we rely in part on peer review and input from allied health professionals to help us in doing our job of patient protection. In my opinion, healthcare workers are in a uniquely

qualified position of trust and obligation to report to regulatory agencies problems they see with other healthcare providers that lead to or could lead to patient harm.



Wise or Foolish?

I am asking those “on the front line” to recognize and act on this obligation by informing the Medical Board of physician misconduct of which they become aware. While we can take complaints anonymously, they are impossible to pursue

if we cannot find witnesses to corroborate the allegations. I cannot guarantee your name will not surface, but we will work with you to avoid that if possible. I can guarantee you that you will be doing the right thing by your patients and your profession. We, at the board, are deeply committed to our mission of consumer protection, and the proper licensing and regulation of physicians in California. We hope you will work with us and your constituencies toward that end.

Please call our toll-free complaint line at (800) 633-2322, or download our complaint form from our Web site at www.caldocinfo.ca.gov or www.medbd.ca.gov. Thank you on behalf of the consumers of the state of California.

Jose R. Guerrero
Deputy Attorney General:

Enclosed for your information is a letter I received from . . . a highly respected defense attorney:

. . . I wanted to let you know that as an attorney who has specialized in representing health care providers over the past forty years, including numerous physicians and healthcare providers with the various licensing boards in California, the Third Cause of Action for Dishonesty in the _____ matter is more than a welcomed sight.

I am particularly sensitive to the fact that a disgruntled party to civil litigation may fail to distinguish the fine line that exists from reasonable medical minds differing in their opinions versus what someone may consider perjury and/or false testimony. I am sure you are aware that there are many “professional experts” who basically for \$10,000 or \$20,000 a day will testify on many issues that they simply are not qualified, and/or will fabricate their qualifications so as to be able to testify. Essentially, when you are deposing such an individual, other than attempting to impeach them before the trier of fact and, accordingly, have their opinions discounted or not worthy of belief, many times that ends the matter.

However, to see the Medical Board of California decide to prosecute the accusation against Dr. _____ for dishonesty, in my opinion is long overdue. Even

though I find myself on many occasions defending physicians before the Board, I applaud and fully support your efforts in the _____ matter.

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